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June 1, 2007

BY HAND

Hon. Joseph J. Farnan, Jr.
United States District Court
844 North King Street
Wilmington, DE 19801

**Re: Sea Star Line, LLC v. Emerald Equipment Leasing, Inc.
C.A. #05C-245JJF**

Dear Judge Farnan:

This letter is submitted on behalf of Emerald Equipment Leasing, Inc. ("Emerald") in response to the letter from counsel for Sea Star Line, LLC ("Sea Star") dated May 31, 2007 pertaining to the filing and briefing schedule for Motions For Summary Judgment in this matter. Emerald does not object to a "combined" briefing schedule suggested by Sea Star which would allow the parties to file reply briefs and answering briefs at the same time in order to economize. However, Emerald does not agree that the filing of Sea Star's "intended" Partial Motion For Summary Judgment should be deferred until Sea Star is able to conduct its requested Emerald 30(b)(6) deposition. The Scheduling Order entered in this matter on November 3, 2006 provided that case dispositive motions were to be served and filed with an opening brief on or before June 1, 2007.

If Sea Star knows now that it "intends" to file a Motion For Partial Summary Judgment, there is no reason that Motion should await further discovery which Sea Star wishes to conduct. A party seeking summary judgment asserts that the record is devoid of facts which would support relief requested by its opponent. As such, it is not in the movant's interest to develop additional facts. Yet Sea Star asserts that it is entitled to partial summary judgment but first it needs to develop additional facts through depositions. This is backwards. If Sea Star contends the extensive record does not support Emerald's counterclaims, Sea Star should be in a position to immediately file its dispositive motion, without awaiting further depositions.

Respectfully yours,

A handwritten signature in cursive script that reads "Alan I. Moldoff".

Alan I. Moldoff

AIM/md
Enclosure

cc: Timothy J. Armstrong, Esquire
Kathleen M. Miller, Esquire (By Hand)
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